

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.9519 of 2007

Dated 26-07-2007

Between:

Chintala Jagan Mohan Reddy and another

...Petitioners

And

The District Registrar of Assurances,
Karimnagar, and another.

...Respondents

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.9519 of 2007

ORDER:

The petitioners presented an agreement of Sale-cum-General

Power of Attorney, dated 15-06-2006, for registration, before the Sub-Registrar, Sulthanabad, the 2nd respondent. The 2nd respondent passed an order dated 27-06-2006, under Section 71 of the Indian Registration Act (for short '*the Act*'), refusing to register the document, on the ground that O.S.No.39 of 2006 is pending in the Court of Junior Civil Judge, Peddapally, in relation to the said property. Aggrieved thereby, the petitioners preferred an appeal before the District Registrar of Assurances, Karimnagar, the 1st respondent. The appeal was rejected, on 09-11-2006, on the ground that it was presented beyond the period of limitation. The same is challenged in this writ petition.

Heard the learned counsel for the petitioners and learned Government Pleader for Revenue.

The petitioners state that the copy of the order dated 27-06-2006 was received by them, on 31-07-2006, and within one month thereafter, an appeal under Section 72 of the Act, was presented before the 1st respondent. The order passed by the 1st respondent, dated 09-11-2006; does not disclose, as to when the copy of the order dated 27-06-2006 was made available to the petitioners. The limitation, for the purpose of presentation of appeal; cannot be computed from the date of the original order itself. It has to start from the date on which, the copy was made available, to the concerned party.

Hence, the writ petition is allowed, and the impugned order is set aside. The 1st respondent is directed to examine the question, as to when the copy of the order dated 27-06-2006, passed by the 2nd respondent; was made available to the petitioners, and calculate the limitation from that date. The petitioners shall also

be given an opportunity, to explain the relevant facts.

This exercise shall be completed within four weeks from the date of receipt of a copy of this order.

There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.26-07-2007.

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